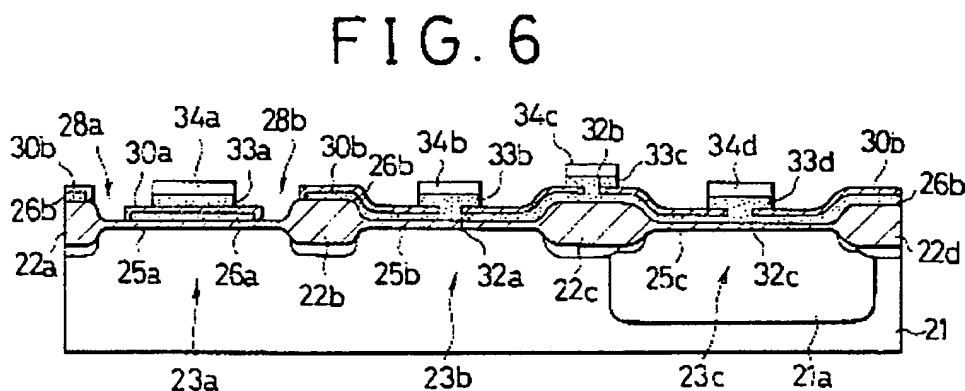


REMARKS:

Claims 96-101, 103-111 and 134-151 were pending in this application. Claims 96-101, 103-111, 135, 139-141, and 146-151 have been cancelled. Claims 134, 136, 138, and 142-145 have been amended. Claims 152-172 have been added. Therefore, claims 134, 136-138, 142-145 and 152-172 are now pending in this application.

The Examiner first rejected independent claim 134 under 35 U.S.C. § 102(b) based on U.S. Patent No. 4,766,088 to Kono, et al. Applicant traverses this rejection. Applicant respectfully submits that Kono does not teach each and every limitation of claim 134, as amended. For example, Applicant submits that Kono does not teach or suggest “a peripheral transistor having a single gate structure containing a third conductive film and a fourth conductive film that overlie a second channel region and are in contact over their cross-sections,” as recited in claim 134. Instead, Kono teaches, for example, a “second polysilicon layer portion 33c which is electrically connected to the first polysilicon layer 26b *through the hole 32b* provided above the field oxide 22c, as shown in FIG. 6.” Kono, col. 6, lines 15-19 (emphasis added). Fig. 6 of Kono is shown below:



Applicant therefore requests removal of the § 102 rejection.

The Examiner also rejected independent claim 96 and dependent claims 138-151 under 35 U.S.C. § 103 based on the proposed combination of Kono and U.S. Patent No. 5,470,771 to Fujii, et al. The rejection of claim 96 is believed moot since this claim has been cancelled. Additionally, independent claim 134 is believed patentably distinct over the proposed combination of Kono and Fujii since neither reference teaches, among other things, “a peripheral transistor having a single gate structure containing a third conductive film and a fourth

conductive film that overlie a second channel region and are in contact over their cross-sections.” Thus, even assuming *arguendo* that motivation to combine Kono and Fujii exists (which Applicant does not concede), the proposed combination does not teach or suggest all of the limitations of claim 134. Accordingly, a *prima facie* case of obviousness cannot be said to exist with respect to amended claim 134 based on the cited art. Applicant submits that independent claim 134 and its dependent claims are therefore in condition for allowance. Newly added claim 170 and its dependent claims are believed patentably distinct for reasons similar to those provided for claim 134.

Newly added method claim 159 is also believed patentably distinct over the cited art, as neither Kono nor Fujii teaches or suggests “disposing a second conductive layer over said first insulating layer and said first conductive layer such that said first and second conductive layers are separated by said first insulating layer in said first region and are in contact with each other over their cross-sections in said second region.” Applicant therefore submits that claim 159 and its dependent claims are in condition for allowance.

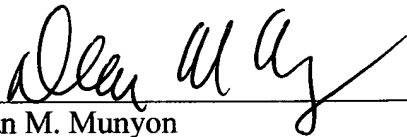
CONCLUSION:

Applicants submit the application is in condition for allowance, and an early notice to that effect is requested.

The Commissioner is authorized to charge any fees that may be required, or credit any overpayment, to Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C. Deposit Account No. 501505/5957-82403/DMM.

Respectfully submitted,

Date: December 26, 2006

By: 
Dean M. Munyon
Reg. No. 42,914

Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C.
P. O. Box 398
Austin, Texas 78767
(512) 853-8847